

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Respondent,

No. CR S-04-197 FCD GGH P

vs.

MIKHAEL BOYADJIAN,

Movant.

ORDER

\_\_\_\_\_/

Movant, a federal prisoner proceeding pro se, has filed a motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255. Movant argues that because he is a deportable alien, he is ineligible for the same benefits as prisoners who are not deportable such as placement in a halfway house. Movant argues that these circumstances fall outside the “heartland” type of cases, warranting a downward departure in his sentence.

In his motion, movant states that he expects to be released within ninety days. Because ninety days has passed, movant is ordered to show cause why this action should not be released as moot.

////

////

////

DATED: 2/13/07

UNITED STATES MAGISTRATE JUDGE

boy197.osc